

JURISDICTION:

General Reference:

Basis for a Speed Law Violation:

Basic Speed Rule:

Statutory Speed Limit:
See Other below.

Posted (Maximum) Speed Limit:

Minimum Speed Limit:

Basis for a Speed Law Violation: (continued)

Posted (Minimum) Speed Limit:

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This chapter summarizes Vermont State statutes related to speed.
Vermont Statutes Annotated

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions, having regard for the actual and potential hazards then existing. Title 23, 1081(a)

50 MPH on any highway Title 23, 1081(b)

I. The State may establish via regulations¹ speed limits for interstate, limited access and controlled access highways. The speed limits that are established via regulation can be greater or less than the above statutory speed limit. Title 23, 1004(a) & 1081(c)

II. Based on engineering and traffic investigations, the State may increase or decrease the above speed limit on non-interstate highways.² Title 23, 1003 & 1081(c)

III. Based on engineering and traffic investigations, a municipal or city government may increase or decrease the above speed limit on highways or streets under its jurisdiction. However, no speed limit shall be >50 MPH or <25 MPH. Title 23, 1007(a) & (b) and 1081(c)

IV. Without an engineering and traffic investigation, a municipal government may establish a speed limit on all or a portion on any unpaved highway within its jurisdiction at not more than 50 MPH nor less than 35 MPH. Title 23, 1007(a) Note: Although a formal engineering and traffic investigation is not required, the law does provide that the municipality consider neighborhood character, abutting land use, bicycle and pedestrian use and physical characteristics of the highways.... Title 23, 1007(a)(1)

V. Based upon an investigation, the State may establish a safe maximum speed for any bridge or elevated structure. Title 23, 1083(b) & (c)

I. Although this State does not have a minimum speed rule, it does have a statute that requires a person, who is impeding traffic, to "pull off the highway at the first opportunity to allow the traffic to pass before proceeding." Title 23, 1082

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. Title 23, 1031(b)

These regulations are promulgated only after formal public notices and hearings. Title 23, 1004(a) Note: Unlike non-interstate highways, Vermont law does not specifically state whether for interstate, limited access or controlled access highways, different speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

On these highways, different speed limits may be established (1) for different types of vehicles (e.g. persons, who operate certain types of trucks may be required to drive slower than those who operate other types of motor vehicles), (2) for different times of the day, (3) for various weather conditions and (4) for other factors bearing on traffic safety. Title 23, 1003

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- Other:
- I. A local government may establish special speed limits via regulations for construction zones or for special occasions. Title 23, 1010 & 1081(c)
 - II. A person shall not drive a vehicle that is equipped with iron, steel or solid rubber tires >10 MPH. Title 23, 1083(a)
 - III. No person shall tow a trailer³ >35 MPH. Title 23, 1083(d)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: All Speed Law Violations are Traffic Violations⁴ and are Considered Civil Actions. Title 23, 2302(a)(1) & (b)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Not more than **\$175**⁵ Title 23, 1707 & 2302(c)
Not more than **\$50** for exceeding the maximum safe speed for a bridge or elevated structure. Title 23, 1083(b) & 1096(a)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

An offender may be required to attend a driver retaining course. Title 23, 721 & 722

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System⁶ Title 23, 2501 et seq.

Sanctions Following an Adjudication of a Speed Law Violation: (continued)

This applies only to trailers that are exempt from certain weight requirements of Title 23, 1307.

On July 1, 1990, most violations of the traffic laws became civil violations. Title 23, 2204 & 2301 et seq.

Fine Schedule. The law provides that the court with the authority to establish a fine schedule for traffic offenses. The fines established must be within the maximum provided by law. Title 23, 2302(d)

Point System. I. An offender is subject to license suspension if they accumulate at least 10 points within a 2 year period. Title 23, 2505 The following suspensions are imposed for the indicated point accumulations: 10 day suspension for 10 points; 30 days suspension for 15 points; 90 day suspension for 20 points. An additional 30 day suspension for each additional 5 points. Title 23, 2506 II. The following points have been assigned to speeding and speed related offenses: Violations governing speed on interstate highways-2 points; violation of basic speed rule and maximum speed limit-2 points; violation of slow moving vehicle law/driving at the normal speed of traffic and except in the right lane-2 points; violation of special speed limits under Title 23, 1083-2 points; negligent vehicle operation-10 points; exceeding the posted State or local speed limit by <10 MPH-2 points; exceeding the posted State or local speed limit by >10 but ≤20 MPH-3 points; exceeding the posted State or local speed limit by >20 but ≤30 MPH-5 points; and, exceeding the posted State or local speed limit by >30 MPH-8 points. Title 23, 2502

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Term of License Withdrawal
(Days, Months, Years, etc.):

~~30~~ **30 days**⁶ Title 23, 2506

Mandatory Minimum Term of
Withdrawal:

Suspensions under the Point System appear to be mandatory. Title 23, 2506

Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Excessive Speed⁷:

Misdemeanor Title 13, 1 & Title 23, 1097

Sanctions:

Criminal Sanction:

Imprisonment (Term):

1st offense-Not more than **3 months** 2nd offense-Not more than **6 months** Title 23, 1097

Mandatory Minimum Term:

None

Fine (\$ Range):

1st offense-Not more than **\$300** 2nd offense-Not more than **\$500**
Title 23, 1097

Mandatory Minimum Fine:

None

Administrative Licensing Action:
Licensing Authorized and

Type of Action:

Suspension via a Point System⁶ Title 23, 2501 et seq.

Length of Term of

Licensing Withdrawal:

~~30~~ **30 days**⁶ Title 23, 2506

Mandatory Action--Minimum

Length of License

Withdrawal:

Suspensions under the Point System appear to be mandatory. Title 23, 2506

Other:

An offender may be required to attend a driver retaining course. Title 23, 721 & 722

Negligent Motor Vehicle Operation⁸:

Misdemeanor Title 13, 1 & Title 23, 1091(a)(3)

Other Criminal Actions Related to Speeding: (continued)

Negligent Motor Vehicle Operation:
(continued)

Sanctions:

Criminal Sanction:

Imprisonment (Term):

1st offense-Not more than **1 year** Subsequent offense-Not more than **2 years** Title 23, 1091(a)(3)

Mandatory Minimum Term:

None

Fine (\$ Range):

1st offense-Not more than **\$1,000** Subsequent offense-Not more than

Excessive speed" is defined as operating a motor vehicle either >60 MPH or >30 MPH "in excess of a state speed zone or local speed limit." Title 23, 1097

The standard for "negligence" is "ordinary negligence" using the usual standard "of duty to exercise ordinary care." Title 23, 1091(a)(2)

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Mandatory Minimum Fine:	\$3,000 Title 23, 1091(a)(3) None
Administrative Licensing Action: Licensing Authorized and Type of Action: Length of Term of Licensing Withdrawal:	Suspension⁹ Title 23, 2506 <u>1st offense-30 days⁹</u> <u>2nd offense-90 days⁹</u> <u>Subsequent offense-6 months⁹</u> Title 23, 2506
Mandatory Action--Minimum Length of License Withdrawal:	<u>1st offense-30 days⁹</u> <u>2nd offense-90 days⁹</u> <u>Subsequent offense-6 months⁹</u> Title 23, 2506 Note: These suspensions appear to be mandatory.
Other:	An offender may be required to attend a driver retaining course. Title 23, 721 & 722
<u>Grossly Negligent Motor Vehicle Operation¹⁰</u> :	<u>1st offense-Misdemeanor</u> <u>Subsequent offense-Felony</u> <u>Offense Involving Either Serious Bodily Injury or Death-Felony</u> Title 13, 1 & Title 23, 1091(b)(3)
Sanctions: Criminal Sanction: Imprisonment (Term):	<u>1st offense-Not more than 2 years</u> <u>Subsequent offense-Not more than 4 years</u> <u>Offense Involving either Serious Bodily Injury or Death-Not more than 15 years</u> Title 23, 1091(b)(3) None
Mandatory Minimum Term: Fine (\$ Range):	<u>1st offense-Not more than \$5,000</u> <u>Subsequent offense-Not more than \$10,000</u> <u>Offense Involving either Serious Bodily Injury or Death-Not more than \$15,000</u> Title 23, 1091(b)(3) None
Mandatory Minimum Fine:	None
Administrative Licensing Action: Licensing Authorized and Type of Action:	Suspension⁹ Title 23, 2506
<u>Other Criminal Actions Related to Speeding:</u> (continued)	
<u>Grossly Negligent Motor Vehicle Operation:</u> (continued) Length of Term of Licensing Withdrawal:	<u>1st offense-30 days⁹</u> <u>2nd offense-90 days⁹</u> <u>Subsequent offense-6 months⁹</u> Title 23, 2506
Mandatory Action--Minimum Length of License Withdrawal:	<u>1st offense-30 days⁹</u> <u>2nd offense-90 days⁹</u> <u>Subsequent offense-6 months⁹</u> Title 23, 2506 These suspensions appear to be mandatory.
Other:	I. An offender may be required to attend a driver retaining course.

suspension can also be via the **Point System**. Licensing action under this system must be imposed if it would result in a longer suspension periods. Title 23, 2506

"Gross negligence" is defined as "conduct which involved a gross deviation from the care that a reasonable person would have exercised in that situation." Title 1(b)(2)

Title 23, 721 & 722

II. **Surcharge.** In addition to any fine sanction, there is a surcharge of **\$50** which is used to fund drunk driving law enforcement. Title 23, 1091(d)

Commercial Motor Vehicle (CMV) Operators¹¹:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹² within a 3 year period or (2) commit 3 such violations within a 3 year period. Title 23, 4116(d)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** Title 23, 4116(d)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** Title 23, 4116(d)

A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport more than 15 persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. Title 23, 4103(4)

A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or careless or negligent driving. Title 23, 4103(16)

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